

AMENDING SECTION 1 OF THE ACT ENTITLED "AN ACT TO AUTHORIZE THE CUTTING OF TIMBER, THE MANUFACTURE AND SALE OF LUMBER, AND THE PRESERVATION OF THE FORESTS ON THE MENOMINEE INDIAN RESERVATION IN THE STATE OF WISCONSIN," APPROVED MARCH 28, 1908, AS AMENDED

JUNE 12, 1956.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ENGLE, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H. R. 9974]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 9974) to amend section 1 of the act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin," approved March 28, 1908, as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

EXPLANATION OF THE BILL

The purpose of H. R. 9974, introduced by Congressman Laird, is to amend section 1 of the act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin," approved March 28, 1908, as amended, by authorizing an increase of cut 2 million board-feet of forest products other than sawlogs.

The act of March 28, 1908, imposed a limitation of 20 million board-feet as the allowable annual timber cut in the Menominee Forest. This figure was approximately equal to the maximum volume that had been harvested in any year up to 1908. At that time it was assumed that practically all of this annual cut would be in sawlogs, since the processing of forest products other than sawlogs was

negligible. The Menominee sawmill was constructed specifically for cutting sawlogs.

The production of other forest products has increased very rapidly until they now represent over 7 percent of the annual cut. Concurrently with the increase of these forest products, the quantity of sawlogs available to the sawmill was decreased proportionately, and the sawmill, which was designed and constructed to handle the 20 million board-feet of sawlogs per year, has suffered monetary loss through increased unit costs due to the lower volume of production.

Species of timber which were not merchantable in 1908 are now suitable for production of forest products other than sawlogs such as pulpwood, bolts, posts, and poles. Members of the Menominee Indian Advisory Council, the manager of the Menominee Indian Mills, Neopit, Wis., the Menominee General Council, and Menominee Forest manager all feel that the 20 million board-feet of sawlogs and additional annual cut equal to 2 million board-feet of pulpwood, posts, and similar products can be safely maintained under sustained-yield management of the forest.

The committee members feel that the authorization of the increased cut will provide additional employment which will result in substantial income to the tribe.

An identical bill, H. R. 10042, introduced by Congressman Reuss, was considered concurrently with H. R. 9974.

A resolution of the Menominee General Council dated February 11, 1956, urging the introduction and enactment of this legislation is as follows:

RESOLUTION OF THE MENOMINEE GENERAL COUNCIL

Whereas the act of March 28, 1908 (35 Stat. 51), authorizes the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin; and

Whereas the act as passed and as administered on the Menominee Indian Reservation since its enactment provides among other things: "that not more than 20 million feet of timber shall be cut in any 1 year", and

Whereas since 1908 to date, the cutting of timber on the reservation has recognized the "20 million feet" annual maximum; and

Whereas it becomes necessary now, for a number of justifiable causes and reasons, to revise and enlarge upon the permitted maximum cut of timber in relation to forest byproducts, such as poles, posts, bolts, pulpwood, and other marketable forest materials; and

Whereas for the last several years, and currently, forest and milling operations have demonstrated that (under the present limitations of the act of 1908) the operations and the tribe are losing forest byproducts; and that to completely harvest said forest byproducts within the present 20 million feet limitation is not fairly profitable; and

Whereas it is presently obvious, and has been obvious for quite some time, that the act of 1908 did not consider nor contemplate the harvesting of certain species of forest growth (which it was not then profitable to harvest) which in recent years has come into demand and has become a source of profit, i. e., popple or aspen—also poles, posts, bolts, and pulpwood; and

Whereas such products were not harvested in earlier years in any substantial amount in view of the fact that logs were transmitted to markets via river drives, and forest byproducts were largely left in the woods for that reason and because of their low value, while today popple, aspen, poles, posts, bolts, and pulpwood find a steady market, even though harvesting operations with respect to same are marginal in nature and not too profitable; and

Whereas forest management today requires that such forest byproducts be harvested, and also be included within and charged against the present maximum statutory footage of 20 million feet of timber annually; and

Whereas throughout the swamplands controversy, and until title to the swamplands finally vested in the tribe, timber and byproducts operations in those areas were practically at a standstill, which resulted in an accumulation of growing forest byproducts material that was not harvested, and which in harvesting operations today, under the present law, must be charged to the annual 20 million feet maximum; and

Whereas it appears today that the act of 1908, premised upon conditions existing at that time, and in particular stumpage values existing at that time, took into consideration only how much should be harvested in the way of standing sawlog merchantable timber, without giving much, if any, consideration to forest byproducts, which today are maturing rapidly, and which in the future will show a very marked increase; and

Therefore, premised upon the reasons hereinbefore set forth, and many other reasons which can and will be covered in detail to justify raising the cutting limitations of the act of 1908, the Menominee Tribe of Indians in general council assembled this 11th day of February 1956, at Neopit, Wis;

Do hereby resolve and direct, That the act of March 28, 1908, be amended by the Congress to provide that not to exceed 20 million feet of sawlog timber shall be cut in any 1 year; and, in addition thereto, not to exceed 2 million feet of forest byproducts (poles, posts, bolts, pulpwood, cordwood, and other marketable forest products) shall be cut in any 1 year.

STATE OF WISCONSIN,

County of Shawano, ss:

I, Caroline Nikolay of Shawano, Wis., do hereby certify: That I am the reporter who took the minutes of the Menominee General Council which was held at Neopit, Wis., on February 11, 1956, and that the above and foregoing is a true and correct copy of a resolution adopted at said council by a vote of 84 in favor of the resolution and none opposed.

Dated at Shawano, Wis., this 15th day of February 1956.

CAROLINE NIKOLAY,
Reporter, Menominee General Council.

Favorable reports from the Department of the Interior and the Bureau of the Budget dated May 10 and May 7, 1956, respectively, are printed below:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., May 10, 1956.

HON. CLAIR ENGLE,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

MY DEAR MR. ENGLE: Your committee has requested a report on H. R. 9974 and H. R. 10042, to amend section 1 of the act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin," approved March 28, 1908, as amended.

We recommend that one of the bills be enacted.

When the act of March 28, 1908, was approved nearly 50 years ago, the limitation it imposed on the allowable annual cut was approximately equal to the maximum volume that had been harvested in any year up to that time. It was assumed that practically all of the allowable annual cut of 20 million feet would be in sawlogs, because the production of forest products other than sawlogs at that time was negligible. The sawmill was constructed on this assumption.

Since 1908, and particularly during the last few years, the production of forest products other than sawlogs has increased until in the fiscal year ending June 30, 1955, the total production of these items was 1,477,590 board-feet, or 7.4 percent of the total annual allowable cut. As the production of these forest products increased, the quantity of sawlogs available to the sawmill was decreased proportionately, and the sawmill, which was designed and built to handle approximately 20 million board-feet per year, has suffered increased unit costs due to the lower volume of production.

There are some species of timber, particularly aspen or poplar, that were not considered merchantable in 1908, and the greater portion of the increased production of minor forest products is in poplar. Most of the increasing production of forest products other than sawlogs is therefore coming from a species of timber that was not considered merchantable in 1908.

Studies conducted by technical foresters on the Menominee Reservation indicate that an annual cut of 20 million board-feet of sawlogs, veneer logs, and similar material, and an additional annual cut equal to 2 million board-feet of pulpwood, bolts, posts, poles, and similar products, can be safely maintained under sustained-yield management of the forest. It is appropriate, therefore, to amend the act of March 28, 1908, to authorize this increase in the annual cut.

The Bureau of the Budget has advised us that there is no objection to the submission of this report.

Sincerely yours,

WESLEY A. D'EWART,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., May 7, 1956.

Hon. CLAIR ENGLE,

*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This will refer to your request for the views of this Bureau concerning H. R. 9974 and H. R. 10042, bills to amend section 1 of the act entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin," approved March 28, 1908, as amended.

The general purpose of this legislation is to permit the cutting of 2 million board-feet of timber used for poles, posts, bolts, pulpwood, and other miscellaneous forest products in addition to the presently authorized annual cut of 20 million feet. The bills amend existing law further by specifying that the 20 million feet shall be "saw logs, veneer logs and comparable timber."

We are informed that in recent years the harvest of poplar and aspen has increased, and that under the present limitation the harvest of saw logs has been reduced. It is understood that the timber stand on the reservation is of sufficient quantity and quality to permit the cutting, on a sustained-yield basis, of the larger volume proposed.

This Bureau has no objection to the enactment of one or the other of these bills.

Sincerely yours,

ROBERT E. MERRIAM,
Assistant to the Director.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 1 OF THE ACT OF MARCH 28, 1908 (35 STAT. 51) AS AMENDED

That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe in executing the intent and purposes of this Act, to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate, upon the Menominee Indian Reservation in the State of Wisconsin: [*Provided, That not more than twenty million feet of timber shall be cut in any one year*] *Provided, That not more than twenty million feet of saw logs, veneer logs and comparable timber and not more than two million board feet of poles, posts, bolts, pulpwood and other miscellaneous forest products shall be cut in any one year: And provided further,* That this limitation shall not include the dead and down timber on the north half of township numbered twenty-nine, range numbered thirteen east; the north half of township numbered twenty-nine, range numbered fourteen east, and the south half of township numbered

thirty, range numbered thirteen east, on the Menominee Reservation in Wisconsin.

NOTE.—The bill refers to “section 1 of the act of March 28, 1903, as amended.” The amendment was made by the act of May 31, 1949 (63 Stat. 144) and did not effect a permanent change in the basic act, but instead expired by its own operation.

The Committee on Interior and Insular Affairs recommends enactment of H. R. 9974.

